

Express Mail No. EV 405 279 702 US

INFORMATION DISCLOSURE STATEMENT		
Address to:	Attorney Docket	AERX-062DIV
Mail Stop Patent Application	First Named Inventor	SCHUSTER, JEFFREY A.
Commissioner for Patents	Application Number	To Be Assigned
P.O. Box 1450	Confirmation No.	To Be Assigned
Alexandria, VA 22313-1450	Filing Date	Herewith
	Group Art Unit	To Be Assigned
	Examiner Name	To Be Assigned
	Title:	"TEMPERATURE CONTROLLING DEVICE FOR AEROSOL DRUG DELIVERY"

Sir:

This is an Information Disclosure Statement submitted for the Examiner's consideration. Copies of forms PTO-1449 and 892 listing the references accompany this paper. Applicants would appreciate the Examiner's initialing and returning the form to indicate that the references have been reviewed and made of record.

**All of the references identified herein were disclosed in parent application serial number 09/960,642, filed 9/20/2001 and as such, copies thereof are not included pursuant to the provisions of 37 CFR § 1.98(d).**

This Information Disclosure Statement is not intended as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one of the above references constitutes prior art to the present application within the meaning of 35 U.S.C. §102.

As applicants have not yet received a first Action on the merits, no fee is believed to be required for filing this Disclosure Statement. If, however, the PTO finds that for some reason a fee is due, our Deposit Account No. 50-0815, Order No. AERX-062DIV may be charged thereon.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: 2/5/04

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<b>Notice of References Cited</b>		Application/Control No.	Applicant(s)/Patent Under Reexamination SCHUSTER ET AL.	
		09/960,642	Examiner	Art Unit
AARON J. LEWIS		3761	Page 1 of 4	

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-608,928	08-1898	Name not available	392/383
	B	US-815,915	03-1906	Name not available	392/383
	C	US-897,326	09-1908	Name not available	338/58
	D	US-905,045	11-1908	Name not available	338/253
	E	US-938,671	11-1909	Name not available	338/58
	F	US-1,614,330	01-1927	Name not available	338/240
	G	US-1,694,351	12-1928	Name not available	392/383
	H	US-1,721,911	07-1929	Name not available	338/58
	I	US-1,967,757	07-1934	Name not available	392/365
	J	US-1,976,651	10-1934	Name not available	392/365
	K	US-1,976,652	10-1934	Name not available	392/365
	L	US-2,153,239	04-1939	Name not available	392/383
	M	US-2,192,732	03-1940	Name not available	219/261

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
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**NON-PATENT DOCUMENTS**

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	AARON J. LEWIS	3761	

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	A	US-2,498,157	02-1950	Name not available	392/368
	B	US-3,214,572	10-1965	Name not available	219/550
	C	US-3,219,797	11-1965	Name not available	392/384
	D	US-3,775,590	11-1973	Gartner, William Joseph	392/367
	E	US-3,797,475	03-1974	Hughes, Thomas Bartley	126/206
	F	US-4,097,719	06-1978	Olsen et al.	392/345
	G	US-4,563,572	01-1986	Hager, Jr., Nathaniel E.	392/423
	H	US-5,507,103	04-1996	Merritt, Thomas	34/97
	I	US-5,641,421	06-1997	Manov et al.	219/553
	J	US-6,072,938	06-2000	Peterson et al.	392/343
	K	US-6,222,987	04-2001	Duke et al.	392/383
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	Examiner AARON J. LEWIS	Art Unit 3761

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*	Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
A	US-2,071,186	02-1937	Name not available	604/291
B	US-2,761,055	08-1956	Name not available	392/393
C	US-3,265,865	08-1966	Name not available	219/549
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E	US-3,651,304	03-1972	Fedor, Robert J.	219/200
F	US-3,835,435	09-1974	Seel, Jerry Estlie	338/280
G	US-4,142,062	02-1979	Wentworth, Hobart L.	373/134
H	US-4,620,086	10-1986	Ades et al.	219/552
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J	US-5,651,906	07-1997	Whittenberger et al.	219/552
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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,441,347	08-2002	Wu, Lambert	219/438
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
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<p>Substitute for form 1449A/PTO</p> <p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p><i>(use as many sheets as necessary)</i></p>				<b>Completion if Known</b>		
				<b>Application Number</b>		<b>09/960,642</b>
				<b>Filing Date</b>		<b>September 20, 2001</b>
				<b>First Named Inventor</b>		<b>Jeffrey A. Schuster et al.</b>
				<b>Group Art Unit</b>		<b>3764</b>
				<b>Examiner Name</b>		<b>To Be Assigned</b>
Sheet	1	of	2	<b>Attorney Docket Number</b>	<b>AERX062CIP</b>	

<b>U.S. PATENT DOCUMENTS</b>						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	U.S. Patent Documents		Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, columns, lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
AA		3,933,276		Packham et al.	01/29/1976	
AB		4,587,966		Albarda	05/13/1986	
AC		4,653,494		Ruderian	03/31/1987	
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AI		5,660,166		Lloyd et al.	08/26/1997	
AJ		5,665,262		Hajaligol et al.	09/09/1997	
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AM		5,718,222		Lloyd et al.	02/17/1998	

<b>FOREIGN PATENT DOCUMENTS</b>								
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Foreign Patent Documents			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

<b>OTHER PRIOR ART—NON PATENT LITERATURE DOCUMENTS</b>						
Examiner Initials <sup>1</sup>	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.				T <sup>2</sup>
AN		Bates, David V., et al., (1966) "Deposition and Retention Models for Internal Dosimetry of the Human Respiratory Tract", <i>Health Physics</i> , Vol. 12:173-207.				
AO		Byron, Peter R., (1986) "Prediction of Drug Residence Times in Regions of the Human Respiratory Tract Following Aerosol Inhalation", <i>J. of Pharm. Sciences</i> , Vol. 75(5):433-438.				

Examiner Signature		Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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				First Named Inventor	Jeffrey A. Schuster et al.
				Group Art Unit	3764
				Examiner Name	To Be Assigned
Sheet	2	of	2	Attorney Docket Number	AERX062CIP

	AP	Farr, Stephen J., et al., (1996) "AERx-Development of a Novel Liquid Aerosol Delivery System Concept to Clinic", <i>Respiratory Drug Delivery V</i> , pp. 175-185.	
	AQ	Ferron et al. (1988) "Inhalation of Salt Aerosol Particles – II. Growth and Deposition in the Human Respiratory Tract." <i>J. Aerosol Sci.</i> , Vol. 19(5):611-631.	
	AR	Hickey, A.J., et al., (1990) "Effect of Hydrophobic Coating on the Behavior of a Hygroscopic Aerosol Powder in an Environment of Controlled Temperature and Relative Humidity", <i>J. of Pharm. Sciences</i> , Vol. 79(11):1009-1014.	
	AS	Morrow et al. (1966) "Deposition and retention models for internal dosimetry of the human respiratory tract. Task group on lung dynamics." <i>Health Phys.</i> , Vol. 12(2):173-207.	
	AT	Phipps, Paul R., et al., (1990) "Droplets Produced by Medical Nebulizers: Some Factors Affecting Their Size and Solute Concentration" <i>Chest</i> , Vol. 97:1327-1332	
	AU	Stahlhofen et al. (1980) "Experimental determination of the regional deposition of aerosol particles in the human respiratory tract." <i>Am Ind Hyg Assoc J.</i> , Vol. 41(6):385-98a.	

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